

REMARKS

Claims 49, 50, 55 and 60-61 are amended. New claims 62-66 are added. Claims 49-66 are pending in the application with claims 50-54 and 57-59 being withdrawn from consideration.

Claims 49, 55-56 and 60-61 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kunikiyo, U.S. Patent No. 6,661,065; or over Kunikiyo in combination with Xiang, U.S. Patent No. 6,410,938. The Examiner is reminded by direction to MPEP § 2143 that a proper obviousness rejection has the following three requirements: 1) there must be some suggestion or motivation to modify or combine reference teachings; 2) there must be a reasonable expectation of success; and 3) the combined references must teach or suggest all of the claim limitations. Claims 49, 55-56 and 60-61 are allowable over Kunikiyo and Xiang for at least the reason that the references, individually or as combined, fail to disclose or suggest each and every limitation in any of those claims.

As amended, independent claim 49 recites forming a silicon-comprising layer and forming an insulator layer comprising a first silicon dioxide-comprising region, a silicon nitride-comprising region and a second silicon dioxide-comprising region, where the forming the insulator layer comprises joining a first and second substrate. Claim 49 further recites forming a channel region in the silicon-comprising layer intermediate source/drain regions, where the channel region extends less than completely through a thickness of the silicon-comprising layer and the source/drain regions extend to the insulator layer. The amendment to claim 49 is supported by the specification at, for example, page 9, lines 12-22. Kunikiyo and Xiang, considered alone or in combination, fail to teach or suggest the claim 49 recited forming a channel region in a silicon-comprising layer intermediate

source/drain regions where the channel region extends less than an entirety of a thickness of the silicon-comprising layer and the source/drain regions extend to an insulator layer. Accordingly, independent claim 49 is not rendered obvious by the cited combination of Kunikiyo and Xiang and is allowable over these references.

Claims 55 and 60-61 (and withdrawn claim 50) are amended to properly depend from independent claim 49. Dependent claims 55-56 and 60-61, which are currently under consideration, are allowable over Kunikiyo and Xiang for at least the reason that they depend from allowable base claim 49.

New claims 62-66 do not add "new matter" to the application since each is fully supported by the specification as originally filed. Claims 62-66 are supported at, for example, page 8, line 12 through page 9, line 22. New claims 62-66 are readable upon and are generic to the elected species which is directed toward methods where nitridizing occurs after joining first and second substrates. Accordingly, applicant requests consideration of added claims 62-66.

For the reasons discussed above claims 49, 55-56 and 60-61 are allowable and claims 62-66 are believed allowable. Accordingly, applicant respectfully request formal allowance of such claims in the Examiner's next action.

Respectfully submitted,

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